

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Compression Labs, Incorporated,)
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Plaintiff,)
v.) C.A. No. 2:04-CV-159 (DF)
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Dell, Inc., et al.,)
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Defendants.)

SCHEDULING ORDER

October ___, 2005	Jury Selection – 9 a.m. A change in the scheduled trial date will operate to reset deadlines tied to that date accordingly by extending the deadlines an equal number of days.
no later than 3 days prior to scheduled trial date	List of Exhibits and Witnesses The attorneys for the parties shall file with the clerk and deliver to opposing parties and the court reporter a separate list of exhibits and witnesses, except those offered solely for impeachment.
October 4, 2005	Final Pretrial Conference – 9 a.m.
September 26, 2005	Motions <i>in Limine</i>
September 26, 2005	Joint Final Pretrial Order, Joint Proposed Jury Instructions, and Form of the Verdict (and/or Proposed Findings of Fact and Conclusions of Law)
September 12, 2005	Pretrial Disclosures pursuant to Fed. R. Civ. P. 26(a)(3)
August 15, 2005	Dispositive Motions Unless leave of Court is obtained, Plaintiff and Defendants collectively may file no more than one (1) summary judgment motion.

August 1, 2005	Expert Discovery Deadline All expert discovery shall be commenced in time to be completed by this date.
July 25, 2005	Objections to Expert Witnesses Such objections shall be made by a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the court with all of the information necessary to make a ruling on any objection.
July 18, 2005	Rebuttal Expert Testimony on this date or 60 days after entry of the court's claim construction ruling, whichever is later. Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b).
July 1, 2005	Discovery Deadline All discovery shall be commenced in time to be completed by this date.
July 1, 2005	Mediation
June 17, 2005	Disclosure of Expert Testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) by the party bearing the burden of proof on this date or 30 days after entry of the court's claim construction ruling, whichever is later.
June 1, 2005	Defendants to serve " <i>Final Invalidity Contentions</i> " (PR 3-6(b)) on this date or 30 days after entry of the court's claim construction ruling, whichever is later.
June 1, 2005	Disclosure of Opinions of Counsel (PR 3-8) on this date or 30 days after entry of the court's claim construction ruling, whichever is later.
June 1, 2005	Plaintiff to Serve " <i>Final Infringement Contentions</i> " (PR 3-6(a)) on this date, or 30 days after entry of the Court's claim construction ruling, whichever is later.
March 9, 2005	Mediator Selection If the parties agree on a mediator, they shall so notify the court of the name, address, and telephone number of the attorney-mediator.

	Otherwise the court will select a mediator.
February 15, 2005	<i>Markman</i> Hearing, if necessary – 9 a.m.
January 31, 2005	Reply Briefs to <i>Markman</i> Briefs (PR 4-5(c))
January 24, 2005	Response Briefs to <i>Markman</i> Briefs (PR 4-5(b))
January 10, 2005	<i>Markman</i> Briefs (PR 4-5(a)) Each party shall file <i>Markman</i> briefs as to the construction of the terms of the patent-in-suit which are in dispute.
December 23, 2004	Claim Construction Discovery Deadline (PR 4-4)
December 13, 2004	Parties file “ <i>Joint Claim Construction and Prehearing Statement</i> ” (PR 4-3)
November 29, 2004	Parties exchange “ <i>Preliminary Claim Constructions and Extrinsic Evidence</i> ” (PR 4-2)
November 15, 2004	Parties exchange “ <i>Proposed Terms and Claim Elements for Construction.</i> ” (PR 4-1)
November 15, 2004	Privilege Logs to be Exchanged by Parties
November 1, 2004	Amend Pleadings It is not necessary to file a motion for leave to amend before the deadline to amend pleadings. It is necessary to file a motion for leave to amend after the deadline to amend pleadings.
November 1, 2004	Join Additional Parties
October 1, 2004	Defendants to serve “ <i>Preliminary Invalidity Contentions</i> ” and supporting documents. (PR 3-3, 3-4)
October 1, 2004	Plaintiff to serve “ <i>Disclosure of Asserted Claims and Preliminary Infringement Contentions</i> ” and supporting documents. (PR 3-1, 3-2)
October 1, 2004	Defendants to serve list of all products that implement the baseline JPEG standard and sales data for each listed product
September 24, 2004	Plaintiff to serve list of products that are believed to implement the baseline JPEG standard

September 24, 2004	Exchange Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)
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Signed and entered this _____ day of _____, 2004.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE